

# Notice of Allowability

Application No.

10/601,317

Examiner

Susanna M. Diaz

Applicant(s)

POSTREL, RICHARD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 30-77.
3. ☒ The drawings filed on 20 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Susanna Diaz*  
**SUSANNA M. DIAZ**  
**PRIMARY EXAMINER**  
**AU 3623**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anthony Barkume (Reg. No. 33,831) on April 20, 2005.

The application has been amended as follows:

Claim 33, last line, delete extra period at end of line.

Claim 63, line 20, insert -- the user selectively -- before "designating"

Claim 71, line 24, insert -- selectively -- before "designates"

### ***Terminal Disclaimer***

2. The terminal disclaimers filed on April 13, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent Nos. 6,594,640; 6,820,061; 6,829,586; and 6,842,739 have been reviewed and are accepted. The terminal disclaimers have been recorded.

### ***Reasons for Allowance***

3. Claims 30-77 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The following references have been identified by the Examiner as the closest prior art of record:

(1) MyPoints™ Program, as disclosed in the following references:

(a) Information about the MyPoints™ Program retrieved on July 26, 2002 from Internet

<URL:<http://web.archive.org/web/19980128231040/http://www.mypoints.com>>, herein referred to as MyPoints™ Program web site. This web site was archived by web.archive.org on January 28, 1998.

(b) Oberndorf, "Points for Loyalty," published December 1997.

(c) Riedman, "MyPoints Aims to Be Universal Web Currency," published August 18, 1997.

(2) Biorge et al. (U.S. Patent No. 5,806,045).

(3) Schlumberger Payflex card, as disclosed in the following references:

(a) "World's First Smart Card Frequent Flyer Scheme Debuts," published September 19, 1997.

(b) "Major Airlines Continue Their Smart Card Fly-bys," published January 1998.

(c) "Schlumberger: AOM's Smart Card Frequent Flyer Program Successfully Launched," published May 22, 1998.

(4) Walker et al. (U.S. Patent No. 6,128,599).

Similar to the claimed invention, the MyPoints™ Program is a reward points accumulation and redemption program. Also, the MyPoints™ Program allows a user to gather points from different reward points issuing entities. All gathered points are accumulated in a universal account from which points may be redeemed through a trading server. However, unlike the claimed invention, MyPoints™'s users do not have control over which reward points are accumulated in the universal account; all MyPoints™'s reward points are accumulated in the universal account regardless of which reward points issuing entity issued the reward points. Neither the MyPoints™ Program nor any of the other aforementioned references teaches or suggests the novel aspects of the claimed invention which allow a user to maintain at least one separate reward points account and then selectively choose how many points and from which reward points account(s) to assign a separate reward points accumulation thereof. These novel aspects are recited in claims 30-77; therefore, claims 30-77 are all deemed to be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Susanna M. Diaz  
Primary Examiner  
Art Unit 3623

April 24, 2005